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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,550	01/23/2006	Timothy Roberts	28573/6	1758
21710	7590	10/26/2010		
BROWN RUDNICK LLP ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER PERREAULT, ANDREW D	
			ART UNIT 3788	PAPER NUMBER
			MAIL DATE 10/26/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,550

Applicant(s)

ROBERTS, TIMOTHY

Examiner

ANDREW PERREAULT

Art Unit

3788

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14, 16-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-6, 8-14, 16-19, and 21-26 stand.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the double walled structure and insulation material (in claims 23 and 25) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-14, 17-22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownfiel (2003/0076011) in view of Takeuchi (6,056,122).

Re claim 19, Brownfiel discloses a device (figs 1-13) for the contained inspection and safe transportation for further examination of received suspicious mail, the device comprising a rigid inspection unit (10) that is able to open to receive suspicious mail and the close to provide a sealed airtight environment (the device is able to perform the intended use above; "air-tight" abstract), the inspection unit including a lid section (12; depending on how user decides to orient the device, 12 is a lid) and a base section (14; depending on how user decides to orient the device, 14 is a base) which are adapted to provide the sealed airtight environment ("air-tight" abstract), allowing a user to visually inspect received mail placed in the inspection unit the device is able to perform the intended use above), the lid section (12) including supporting sides (sides of 12, such as 22, 18, 26) and a transparent top surface (14; transparency in paragraph 36) located above the base section (14), the supporting sides including at least one glove member (34), the inspection unit further including a seal (62) disposed below the at least one glove member (34) and between the supporting sides (sides of 12) and the base section

(14) when the inspection unit is closed so as to provide the sealed airtight environment (paragraphs 45, 54); a rigid transportation unit (212a) adapted to wholly receive and secure the inspection unit after inspection of the mail and to provide a further environment and physical protection for the inspection unit during transportation (paragraphs 63-66). Furthermore, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Brownfiel does not disclose that the transportation unit provides a sealed airtight environment. Takeuchi discloses similar art with reference to transportation units. Takeuchi discloses a device (figs 1-17) comprising an internal unit ("heavy article" abstract); and, a substantially rigid transportation unit (figs 1-17) adapted to wholly receive and secure the inspection unit after user inspection of the mail and to provide a further sealed airtight environment ("airtight" and "hermetic" col. 7, line 40 – col. 8, line 18) and physical protection for the inspection unit during transportation. Furthermore, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi, including that the transportation unit provides a sealed airtight environment, to provide a transportation unit that prevents damage to the internal article (col. 1, line 54 - col. 2, line 4).

Re claim 1, Brownfiel discloses an apparatus (figs 1-13) for the contained inspection and transportation of a dangerous object, the apparatus comprising an inspection unit (10), the inspection unit including a lid section (12; depending on how user decides to orient the device, 12 is a lid) and a base section (14; transparency in paragraph 36), the inspection unit (10) able to open to receive an object and then close to provide a sealed airtight environment ("air-tight" abstract) for manual inspection of an object, the lid section (12) and the base section (14) being rigid, the lid section (12) including supporting sides (sides of 12, such as 22, 18, 26) and a transparent top surface (14; transparency in paragraph 36) located above the base section (14), the supporting sides including at least one glove member (34), the inspection unit further including a seal (62) disposed below the at least one glove member (34) and between the supporting sides (sides of 12) and the base section (14) when the inspection unit is closed so as to provide the sealed airtight environment (paragraphs 45, 54); and a transportation unit (212a) to receive the inspection unit (10; fig 13); but does not disclose that the transportation unit including at least a first section and a second section able to open to wholly receive the inspection unit and then close to provide a further sealed airtight environment containing the inspection unit, the first section and the second section of the transportation unit being rigid. Takeuchi discloses similar art with reference to transportation units. Takeuchi discloses an apparatus (figs 1-17) comprising an internal unit, ("heavy article" abstract); and a transportation unit (figs 1-17), the transportation unit including at least a first section (2, 3, 52) and a second section (1) able to open to wholly receive the inspection unit and then close to provide a

further sealed airtight environment ("airtight" and "hermetic" col. 7, line 40 – col. 8, line 18) containing the inspection unit, the first section and the second section of the transportation unit being rigid. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi, including at least a first section and a second section able to open to wholly receive the inspection unit and then close to provide a further sealed airtight environment containing the inspection unit, the first section and the second section of the transportation unit being rigid, to provide a transportation unit that prevents damage to the internal article (col. 1, line 54 - col. 2, line 4).

Re claim 2, Brownfiel discloses wherein at least a portion of the supporting sides is substantially transparent (paragraphs 35, 36).

Re claim 3, Brownfiel discloses wherein at least a portion of the base section of the inspection unit is opaque, preferably of a dark colour (paragraphs 35, 36).

Re claim 4, Brownfiel discloses wherein an object is an envelope, mail, package, parcel, letter or the like (fig 2, 5).

Re claim 5, Brownfiel discloses wherein the lid section and the base section of the inspection unit are adapted to be clamped or latched together (figs 2, 5). Furthermore, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 6, Brownfiel discloses wherein the lid section and the base section of the inspection unit are hinged together (16).

Re claim 9, Brownfiel discloses wherein the user can visually inspect the object in the inspection unit (paragraph 35, 36).

Re claim 10, Brownfiel discloses wherein two glove members are provided (paragraph 38).

Re claim 21, Brownfiel discloses that the inspection is provided with a sealable port (52) to receive a probe (54).

Re claim 22, Brownfiel discloses that the inspection unit is provided with a further sealable inspection port (32) having a diameter larger than the saleable port (32 is larger than 52).

Brownfiel in view of Takeuchi discloses the claimed invention above for claim 1 with the exception of the following limitations (in claims 8, 11-13, 14, 17, and 18), further taught by Takeuchi:

Re claim 8, Takeuchi discloses that the transportation unit can generally be lifted and moved by a single person (a single person is able to generally lift the device).

Re claim 11, Takeuchi discloses wherein the first section and the second section of the transportation unit are adapted to be clamped together (fig 1, 12). Furthermore, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 12, Takeuchi discloses that the first section (2, 3, 52) and the second section (1) of the transportation unit each including corresponding faces (faces of 2, 3, 52, 1) which when in contact (contact in figs 3, 4) provide two independent airtight seals

(seal at 2 and 3) between the external environment and the further sealed airtight environment containing the inspection unit (airtight environment described in col. 7: 40-50 and col. 8: 1-18) .

Re claim 13, Takeuchi discloses wherein the first section of the transportation unit is a lid section and the second section of the transportation unit is a body section or a base section (fig 1).

Re claim 14, Takeuchi discloses wherein the lid section and the body section or base section of the transportation unit are adapted to be press-sealed together (fig 1, 12). Furthermore, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Re claim 17, Takeuchi discloses wherein the transportation unit includes shock absorbing material (" hard plastic" col. 3, line 60 and line 27). Furthermore, it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Re claim 18, Takeuchi discloses wherein closure of the transportation unit securely holds the inspection unit placed therein (col. 1, line 60 - col. 2, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi (in claims 8, 11-14, 17, and 18), and further in view of Takeuchi, for the same reasons as provided above in claim 1.

Re claim 26, Brownfiel discloses that at least one of the supporting sides is transparent (paragraphs 35, 36).

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brownfiel in view of Takeuchi as applied to claim 1 above, and further in view of Ziff (6,708,697)

Re claim 16, Brownfiel in view of Takeuchi does not disclose that the inspection unit also includes integrated magnifying means. Ziff discloses a similar inspection unit (fig 1-4) including integrated magnifying means (col. 3, line 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brownfiel in view of Takeuchi, and further in view of Ziff, including that the inspection unit also includes integrated magnifying means, as suggested and taught by Ziff, for the purpose of allowing the inside of the device to be magnified for convenience to the user (Ziff col. 3, line 54-57).

3. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brownfiel in view of Takeuchi as applied to claim 12 above, and further in view of Saidla (3,854,620) and Barringer (4,460,102)).

Re claim 23, Brownfiel in view of Takeuchi discloses the claimed invention above for claim 12 with the exception of the following claimed limitation that is taught by Saidla: each of a first section and a second section (sections in fig 13) of a transportation unit (fig 13) includes an inner wall (50) laterally spaced apart from an

outer wall (32) such that the transportation unit is a double walled structure (double walled in fig 13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi, and further in view of Saidla, to provide surfaces to include a foam material therein to insulate the device (Saidla col. 1: 38-49). Brownfiel in view of Takeuchi and Saidla discloses the claimed invention above with the exception of the following claimed limitation that is taught by Barringer: two independent airtight seals (26, 27) are provided in the form of a first airtight seal (26) located adjacent an inner wall (26 is adjacent an inner wall) and a second airtight seal (27) located adjacent the outer wall (27 is adjacent an outer wall). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi and Saidla, and further in view of Barringer to provide further means to ensure an airtight seal (Barringer col. 1: 24-49 and col. 2: 3-32). Furthermore, Brownfiel already discloses a seal (62).

Re claim 24, Brownfiel in view of Takeuchi, Saidla, and Barringer discloses the claimed invention above for claim 24 with the exception of the following claimed limitation that is further taught by Barringer: the first airtight seal and the second airtight seal are provided in the form of concentric gaskets (material described in col. 2: 25-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi, Saidla, and Barringer, and further in view of Barringer, for the same reasons as provided above in claim 23.

Re claim 25, Brownfiel in view of Takeuchi, Saidla, and Barringer discloses the claimed invention above for claim 25 with the exception of the following claimed

limitation that is further taught by Saidla: an insulation material (55) is disposed between the inner wall (50) and the outer wall (32). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brownfiel in view of Takeuchi, Saidla, and Barringer, and further in view of Saidla, for the same reasons as provided above in claim 23.

Response to Arguments

Applicant's arguments with respect to claims have been considered but in view of the amendment the search has been updated and a new rejection has been made.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW PERREAULT whose telephone number is (571)270-5427. The examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571)272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P./
Examiner, Art Unit 3788

/Ehud Gartenberg/
Supervisory Patent Examiner, Art Unit 3788